

REMARKS/ARGUMENTS

Claims 1-7, 13-18, 37-38, 43-44 and 46-67 are now pending in the application. Claims 1, 3-4, 7, 13-14, 16, 18, 37-38 and 43-44 are currently amended, and claims 8-12, 19-36, 39-42 and 45 have been cancelled without prejudice or disclaimer of any previously claimed subject matter. Claims 46-67 have been added. Applicants reserve the right to present any cancelled subject matter in one or more continuation or divisional applications.

Amendments to the Specification

The specification has been amended in paragraph 1 to remove the claim of priority to U.S. Provisional Application Serial No. 60/466,194 filed April 28, 2003 and U.S. Provisional Application Serial No. 60/470,949 filed May 14, 2003. A revised Declaration and Power of Attorney is submitted with this paper which lists the correct claim of priority to U.S. Provisional Application Serial No. 60/392,351 filed June 28, 2002.

Restriction Requirement

In the Office Action dated January 11, 2006, the Examiner restricted the prosecution of the application to one of four groups proposed by the Examiner:

- I. Claims 1-7, 13-18, 37-38 and 43-44, drawn to compounds and compositions comprising the compounds of formula I or II of claims 1 and 4.
- II. Claims 19-22, 28-26, 39-42 and 45, drawn to methods of a flavivirus or pestivirus infection in a host by administering the compounds/compositions of Group I.
- III. Claims 23-27, drawn to methods of treating a flavivirus or pestivirus infection in a host by administering a composition comprising compounds of formula I or II and an additional antiviral agent.
- IV. Claim 8-12, drawn to compositions comprising the compound of formula I or II and an additional antiviral agent.

Applicants elect Group I (claims 1-7, 13-18, 37-38 and 43-44), drawn to compounds and compositions comprising the compounds of formula I or II of claims 1 and 4.

The Examiner has also requested that Applicants elect a disclosed species for prosecution under 35 U.S.C § 121. Applicants elect the compound of formula I in claim 1 for prosecution.

Applicants note that the compound of Formula II is simply a salt of the elected species.

CONCLUSION

Examination of the elected claims is respectfully requested. Although no fee is believed to be required, the Commissioner is authorized to charge any deficiency to Deposit Account 11-0980.

Respectfully submitted,

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